

**MINUTES
TOWN MEETING
May 1, 2017
Emmitsburg Town Office**

Present: Mayor Donald Briggs; Commissioners: Glenn Blanchard, Elizabeth Buckman, and Timothy O'Donnell, President. Commissioner Clifford Sweeney arrived at 9:37 pm EST with prior notice.

Staff Present: Cathy Willets, Town Manager; Madeline Shaw, Town Clerk; Amy Naill, Code Enforcement Officer; Cole Tabler, Town Accountant; and Sue Cipperly, Town Planner.

Absent: Commissioner Joseph Ritz III absent with prior notice.

I. Call to Order

Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the May 1, 2017 Town Meeting to order at 7:30 p.m. EST. Pledge of Allegiance was recited.

Approval of Minutes

The Minutes of the April 3, 2017 Town Meeting were approved as amended. Motion by Commissioner Blanchard, second by Commissioner Buckman. Passed 3-0 in Favor. Commissioner Ritz III and Sweeney absent.

The Minutes of the February 6, 2017 Town Meeting were amended to redact a minors address from the public comments section. Motion by Commissioner Blanchard, second by Commissioner Buckman. Passed 3-0 in Favor. Commissioner Ritz III and Sweeney absent.

Police Report:

Deputy Whitehouse presented the police report from April 2017 (exhibit attached). He mentioned vehicles are entering the Brookefield development incorrectly and there was a police officer assault at a party. There is a Town scavenger hunt that will start May 15th. Families can pick the packets up from the Town Office. The winner will be announced at Community Heritage Day. The deputies plan to see if Emmitsburg Library can have packet copies available as an alternative pick-up location after Town office hours. Commissioner O'Donnell asked about having an escort for the Community Heritage Day Bike Ride. The deputies plan to provide an escort.

Town Managers Report:

Cathy Willets presented the Town Manager's report from March 2017 (exhibit attached). Ms. Willets mentioned town staff replaced several streets lights. The most recent was a light near the Silo Hill Car Wash that was struck by a tractor trailer. There were also some street lights replaced in Northgate. Staff is cleaning the parks up and getting ready for the nice weather. Rainbow Lake is at spillway level. The wells are currently 36.75 feet below their optimal level. Town staff believes the wells will fully recover and recommends the voluntary water restriction be removed. In the upcoming budget, Town staff would like to focus on improving water/sewer infrastructure to reduce wild water. Commissioner Blanchard inquired about the Community Park Community Gardens availability. The gardens are ready for public use and can be rented by contacting the Town Office. Commissioner O'Donnell asked for an update on the new LG Sonic Algae Control System at an upcoming meeting.

Town Planners Report:

Sue Cipperly presented the Town Planner's report from March 2017 (exhibit attached). Ms. Cipperly mentioned the Town has been working closely with the State Highway Administration (SHA) on the Flat Run Bridge project and the Town Square project. There are several more SHA meetings coming up. The Dog Park is underway and does not need a forestation plan because it does not meet the definition of a forest. The Town has accepted bids on clearing the dog park area. Ms. Cipperly has also been working with a new business in Town, located at 24 West Main Street, which has magic shows and used books. A storm water management permit is being completed. Commissioner O'Donnell inquired about the Bikeway Grant Request for Proposal (RFP). There have not been any RFPs, but the time frame can be revised and the due date extended to encourage more applications.

Commissioner Comments:

- Commissioner Buckman: Gonzaga College High School is doing an admissions visit to Emmitsburg. The group can help single parents, elderly, or disabled with household chores and basic home repairs. If interested, email ebuckman@emmitsburgmd.gov. She thanked the Lions Club for the recent tribute show. She also gave recognition to numerous people that have been outreaching to the community and helping their neighbors such as Korey Shorb, Felicity Buckman, Violet Walker, Mayor Kinnaird, Stavros Pizza, Carlton James, and Hannah Buckman. She encouraged citizens to continue helping one another.
- Commissioner Blanchard: Complemented town staff on the upkeep of the parks. He recently met with the Mayor and Town Manager to review the numbers in regards to the Town's sustainability efforts for the upcoming budget. He feels comfortable with the numbers. He also thanked town staff and numerous people for helping with the WWI Commemoration.
- Commissioner O'Donnell: Attended a recent drug awareness event and encouraged individuals to not feel hopeless. He believes we can make progress through community collaboration. He met with the Emmitsburg Business and Professionals Association (EBPA). He also mentioned the Seton Center is moving from South Seton Avenue to Lincoln Avenue near the Mother Seton School. The building will have numerous social service programs available for the public and a larger thrift shop. There has been several trail workdays, and there are several more coming up. Volunteers have the opportunity to get free gear and food. For more information on the trails, visit the town website. Commissioner O'Donnell also attended the Frederick County Bicycle Comprehensive Plan meeting.

Mayor's Comments:

Mayor Briggs attended numerous meetings in April 2017. The Mayor thanked the Commissioners for their involvement in community activities. He spoke at the addiction awareness event in Thurmont, the WWI Commemoration, and the Frederick Fire and Sprinkler Installation event. He attended the Frederick County Maryland Municipal League (MML) Chapter Meeting. The Mother Seton School and Emmitsburg Elementary School 4th graders are going to attend a fieldtrip at the Town Offices soon. There will be a free pool party coming up with hot dogs, ice cream, music, family activities, and health information from the Frederick County Health Department in June. The Green Team is starting a town composting program. Residents can purchase compost bins at a reduced price of \$20 through the Town Office. The Mayor also gave recognition to several people for their hard work around Town. He requested the Board of Commissioners consider moving the July 3rd meeting to July 17th because of the holiday the following day. The Comptroller of Maryland Statewide Revenue Misallocation income tax overpayment that was mentioned in the February 6th meeting has been forgiven by a recent bill passed. A recent bill passed also requires special events, such as Community Heritage Day, to offer recycling waste disposal.

Public Comment:

Jim Hatcher, State Farm Insurance, Mr. Hatched thanked the Town for the warm welcome and mentioned the business is a family run business that has been around for 50 years. He looks forward to his involvement in the Town. *Mary Ann Wivell, 512 E. Main Street*- Ms. Wivell said the odor from the waste water treatment plant's (WWTP) poultry residual lagoon has been around for several weeks and she is concerned about the smell, the image it gives the Town, and the impact it has on residents. She said the smell has been occurring since February 28th and residents cannot go outside without being overwhelmed by the odor. Ms. Wivell gave the Board of Commissioners copies of social media comments. *Kim Andrew, 39 Park Drive*- Ms. Andrews said she has been complaining about the smell since February. She said she cannot open the windows because of the smell, and she does not think the WWTP lagoon use was well thought out. *Nicole Flohr, 39 Park Drive*- Ms. Flohr mentioned she cannot go outside with her 2 year old because of the smell. Her child has asthma, so she goes to Fairfield Pennsylvania instead to let her child play. *Paula Lindsey, Creamery Road*- Ms. Lindsey lives adjacent to the WWTP. She said the odor is offensive and she cannot enjoy the outdoors. She is concerned about chemicals and pathogens that might be coming off the poultry residuals in the lagoon. *Richard Lindsey, Creamery Road* - Mr. Lindsey lives adjacent to the WWTP. He stated he has endured the installation of the solar fields and WWTP, but the WWTP lagoon poultry residual is completely different. He is concerned about the impact the chemicals in the lagoon and the odor controlling chemicals might have on him. Mr. Lindsey stated he had requested the town not enter into the contract last year. Cathy Willets stated the town started receiving phone calls about the smell at the end of February/beginning of March. *Philip Snader, 2323 Marshon Road New Windsor, Maryland*- Mr. Snader is the Vice President of Enviro-Organic Technologies. He stated the product is a wash water product from the processing of poultry. Mr. Snyder mentioned the product is strictly regulated by MDA and there are several other vendors in the area. The product is a nutrient replacement for land applied commercial fertilizer. He mentioned material is removed based on the weather. When the weather is bad, it makes the removal process longer. He mentioned the odor controlling chemical is used

widely throughout the agriculture industry. He cannot guarantee there will never be an order, but he will try his hardest to minimize the odor. Mr. Snyder explained the removal process and procedures that are going to be implemented to reduce the odor to include the adding of an odor controlling chemical, the adding of a straw mat on top of the residual, and limiting the working days to 12 days. Mr. Snyder is working with Dolly Water Solutions to implement the best odor controlling measures. The residual was first added at the beginning of December 2016, and Town staff did not receive any complaints at that time. The odor occurs when the crust (grease cap) is disturbed. To ensure the crust is not disturbed, Mr. Snyder will remove the contents with a pipe that is inserted under the crust. The odor is a Hydrogen Sulfide odor. *Steve Davis, Dolly Water Solutions, Industrial Sales Manager*- Mr. Davis stated he has over 35 years of experience working with this product and he has never had any medical concerns. Mr. Davis stated the best practice is to not break the crust and to cover the lagoon with 4-5 inches of straw. The smell is most likely to occur on a rainy or damp days. Another option is to cover the lagoon with a top (e.g. tarp). Commissioner Buckman expressed concern over the possibility of an odor occurring on a Code Red day. *Mary Ann Wivell, 512 EE. Main Street*- Ms. Wivell asked why there was a smell on days when the company claimed to not be stirring/hauling. *Richard Lindsey, Creamery Road* - Mr. Lindsey mentioned there have been numerous haulings and it is unknown if the straw mat will even work.

Staff recommends having the contractor cease removal as soon as possible. Commissioner O'Donnell would like to a minimum of 6 inches of hay applied. He would also like the hay to be purchased locally (if possible). The commissioners were directed to notify Town staff if there are any odor complaints.

Motion: - To direct Town staff to direct the contractor to cease removal of operations by May 5th 2017.

Motion by Commissioner Buckman, second by Commissioner Blanchard.

Vote: 3-0 in Favor. Commissioner Sweeney and Ritz III absent.

Administrative Business:

- **Annual Planning Commission Report:** Sue Cipperly presented the Annual Planning Commission Report. Ms. Cipperly stated that the Annual Planning Commission Report shows what residential permits have been issued. There were no new residential permits issued. A comprehensive plan was not needed because the Towns plan was completed in 2015. All Board of Appeal members and Planning Commission members have completed the educational training classes required, except for the 2 new Board of Appeals alternates. The report does not need to be approved by the Board; the law just says the letter must be filed by the Town Board.

Motion: - To accept the Annual Planning Commission Report as presented by Planning Officer Sue Cipperly.

Motion by Commissioner Blanchard, second by Commissioner Buckman.

Vote: 3-0 in Favor. Commissioner Sweeney and Ritz III absent.

- **Resolution to Expand the Sustainable Communities Area:** Sue Cipperly presented the Resolution. The Sustainable Communities program helps the Town get grant money for Community Legacy. Every 5 years the Town must renew participation in the program. For homes to participate the property must be within the designated area. Recently the historic district was expanded to include more properties. Ms. Cipperly mentioned that the Town has discovered the program can also be used to get park funding. As a result, Town staff is recommending the inclusion of Community Park, Memorial Park, and several properties on North Seton and South Seton Avenue. Expanding the area will give more residents an opportunity to fix up their property along Town entry ways. The Frailey property would be removed because it does not appear anything can be done with the property. Commissioner O'Donnell inquired about rotating the overlay to other historic areas with older buildings, which the Town can do.

Motion: - To accept the Resolution expanding the Sustainable Communities Area as proposed by Sue Cipperly the Town Planner on the attached map.

Motion by Commissioner Buckman, second by Commissioner Blanchard.

Vote: 3-0 in Favor. Commissioner Sweeney and Ritz III absent.

- **Proclamation: International Compost Awareness Week:** Cathy Willets presented the proclamation. There is a grant available to reduce the price of compost bins for Emmitsburg residents through Backyard Composting. Currently food scraps compose 21% of all waste dumped into landfills. The food scraps could be composted instead. The grant makes bins available at a reduced price for residents. The compost bins would be \$27, of which the Town would pay \$7 and residents would pay \$20. Several other Frederick municipalities participate

in the program. Residents can order their compost bin at the Town Office, or by completing an order form available on the Town website. The compost bins come with a composting guide. Commissioner O'Donnell suggested having a launch event to promote the purchase of the bins.

Motion: - To accept the Proclamation making May 7th - May 13th International Compost Awareness Week.

Motion by Commissioner Blanchard, second by Commissioner Buckman

Vote: 3-0 in Favor. Commissioner Sweeney and Ritz III absent.

- **Update Hunting and Trail Use Guidelines:** Commissioner O'Donnell presented the update. He stated a no hunting on Sunday guideline was implemented by the Town to allow trails to be available on Sundays during the hunting season. The problem is the guidelines are not always clear and readably available. Commissioner O'Donnell mentioned he is not looking to change the hunting access but he is looking to make the guidelines clearer for when the trails are open between the hunting seasons. He would like the Town to promote trail days through multiple media outlets. He would also like to add a bulletin board to the head of the trail and more signage so dates can be clearer. Ms. Willets mentioned trail head signage is the most important because not everyone checks online before they use the trail. Commissioner Buckman is going to see if she can receive donations for signage from the Parks and Recreation Committee. The Board will make this item a future agenda item.
- **Consideration of Reciprocity with the Waynesboro Community Pool:** Commissioner Buckman presented the consideration of reciprocity. Commissioner Buckman stated Waynesboro Community Pool quickly agreed to give residential rates to Emmitsburg citizens since the Community Pool will be closed summer 2017 due to renovations. She would like to return the favor in the future. A letter will be drafted stating intent of reciprocity to Waynesboro should Waynesboro ever have their pool closed for renovations.

Motion: - To extend reciprocity to the boro of Waynesboro to have access to the Emmitsburg Town pool at residential rates if the Waynesboro pool were to be closed for renovations.

Motion by Commissioner Buckman, second by Commissioner Blanchard.

Vote: 3-0 in Favor. Commissioner Sweeney and Ritz III absent.

Consent Agenda: None

Treasurer's Report:

Commissioner Blanchard presented the Treasurer's Report as of April 27, 2017 (exhibit attached). Commissioner Blanchard mentioned he came into the Town Offices and examined the energy bills and is satisfied with his review. Commissioner O'Donnell inquired about the check to the vendor Ryder. The check was for the Community Legacy Grant, which uses grant money to reimburse residents for work.

Planning Commission Report: None

Note: Commissioner Sweeney arrived at 9:37 pm EST.

II. Agenda Items

Agenda #1- Initial Budget Presentation for FY 2018: Mayor Donald Briggs and Cole Tabler, Town Accountant, presented the initial FY 2018 budget to be reviewed. Mayor Briggs mentioned each employee will receive a step increase with 0% Cost of Living Adjustment (COLA). Fund revenues will increase by 3.35%. Budgeted water revenue continues to decrease due to water consumption rates. Capital fund transfer will be \$218,341, which is up from FY 2017 amount of \$121,812. The Board was given the proposed budget in a binder for review. The Board must adopt the budget by the end of June 2017. Town staff encourages any questions via email so Town staff can research the item and have the information prepared for the next Town Meeting. Mayor Donald Briggs does not have any concern with the Board contacting town staff directly with budget questions.

Agenda #2- Discussion of Zoning Text Amendment in B2: Cathy Willets and Sue Cipperly presented the zoning text amendment in B2. Ms. Willets stated the amendment stems from an email from Pastor John Talcott, Christ Community Church, in March of 2017. The email mentioned Pastor John is looking at future growth and is considering a parcel property zoned as B2 general business. He would like to see if the Town would approve an exclusion to include churches in the B2 general business zoning so he could use the property. Ms. Cipperly informed

the Board that a change would require a text amendment adding church use to the B2 zone. Specifically, the property inquired about is on Creamery Road across from the Mother Seton School. It was zoned as B2 in 2010 following the recommendations in the 2009 Comprehensive Plan to create a more viable commercial area within a walkable area of Town. Any changes to the B2 zone would apply to all B2 properties. Ms. Cipperly mentioned the intent of the B2 zone per Town ordinance is to "accommodate retail service, office, entertainment, and limited manufacturing and assembly. Its intended that stores and other facilities will be developed in an attractive and convenient manner with attention to safety of pedestrian access and protection of adjoining residential areas." Also, the ordinance defines commercial use as "activity involving the sale of goods or services carried out for profit," which a place of worship doesn't adhere to. Churches are currently not permitted to exist in the B2 zone according to the Town Municipal Code, but they are allowed in all residential, institutional, and the village zones. Ms. Cipperly stated there are current properties in these allowed zones that could accommodate a church and church parking. Town staff does not recommend considering a text amendment to allow places of worship to exist in the B2 general commercial zoning district due to places of worship not being a commercial entity, the limited amount of B2 zones, vacant properties in the R2/R3/Village zones that could support a place of worship, and that Emmitsburg needs its commercial zoned areas to be developed in a way that could bring economic benefit. Commissioner Buckman inquired if other properties have been looked at. Pastor Talcott stated the property is ideal because the property was offered to him and it's within walking distance. Commissioner Sweeney mentioned the area considered is prone to flooding. Ms. Willets mentioned there are other parcels in town that a church could be built upon and Town staff is more than willing to share these with Pastor Talcott. She also stated Town staff does not recommend the amendment because the Town is very limited in B2 zoning. Commissioner O'Donnell mentioned amending the zone could possibly drive church attendees to other nearby businesses before/after church events. He would like to hear the Planning Commission's input on the amendment. Ms. Willets mentioned it would impact all the B2 zoning. Commissioner Sweeney asked the Town Manager and the Town Planner to attend the next Planning Commission Meeting on June 19th to give their professional opinion on the zoning amendment.

Motion: - To permit houses of worship in the B2 zone in the form of a text amendment to be referred to the Planning Commission

Motion by Commissioner Sweeney, second by Commissioner Blanchard.

Vote: 4-0 in Favor, Commissioner Ritz III absent.

Agenda #3- Geographical Information System (GIS) Update: Ms. Willets would like to table this item for a future meeting because the presentation is not up to staff expectations. This agenda item was intended to showcase what the GIS system can do. The Town budget allots \$10,000 to a GIS System to map water and sewer lines.

The Mayor inquired about moving the July 3rd meeting because of the holiday weekend. There was discussion among the Board over which date to change the meeting to.

Motion- Motion to change the Monday July 3rd meeting to Monday July 10th

Motion by Commissioner Blanchard, second by Commissioner Sweeney.

Vote: 4-0 in Favor, Commissioner Ritz III absent.

Set Agenda Items for May 15, 2017 Town Meeting

1. Review the FY2018 Town Budget

III. Sign Approved Text Amendments And/Or Resolutions

IV. Adjournment

With no further business, the May 1, 2017 Town Meeting was adjourned at 10:13 p.m. EST.

Respectfully submitted,

Madeline Shaw
Town Clerk

Approved: June 5, 2017